**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, D.C. 20554**

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| In the Matter of | ) | |
| | ) | |
| Redevelopment of Spectrum To Encourage Innovation in the Use of New Telecommunications Technologies | ) | ET Docket No. 92-9 |



TO: The Commission

**JOINT REPLY COMMENTS OF**
**THE NATIONAL ASSOCIATION OF BROADCASTERS,**
**RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION,**
**THE CABLE-SATELLITE PUBLIC AFFAIRS NETWORK,**
**THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.**
**AND TURNER BROADCASTING SYSTEM, INC.**

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July 8, 1992

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## EXECUTIVE SUMMARY

The Joint Parties, in these reply comments, reiterate their strong support of the Commission's decision not to include the 1.99-2.11 GHz spectrum in those frequencies designated to accommodate new technologies. The 1.99-2.11 GHz band is used heavily by broadcasters and cable programmers for mobile electronic newsgathering ("ENG") and related video production purposes. ENG provides a valuable and important service to the public, and this service cannot be performed at higher spectrums or through other transmission methods.

The Joint Parties also respond to commenting parties who, by proposing alternative means of accommodating ENG operations, demonstrate a lack of understanding about actual ENG practices. Due to the unique requirements of mobile transmission, ENG cannot be reallocated to higher frequencies. Nor may ENG or mobile video operations be facilitated by satellite transmission. And while the Joint Parties believe that new technology may provide methods of spectrum sharing in the future, there is currently no showing that such technology may be successfully applied to ENG spectrum. The Joint Parties point out, in particular, the inapplicability of the spectrum sharing technique set forth by Communications Satellite Corporation ("COMSAT") to

ENG operations. Such spectrum sharing scenarios do not take into account the actual practice of ENG operations, and are therefore not viable alternatives.

The Joint Parties, for these reasons, request that the Commission maintain its decision not to include the 1.99-2.11 GHz in those frequencies designated for reallocation or spectrum sharing. Successful implementation of PCS and other new technologies may be carried out without a disruption of the 1.99-2.11 GHz band, and without interference with broadcasters' and cable programmers' use of the band for ENG and mobile video services.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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# JOINT REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS, RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION, THE CABLE-SATELLITE PUBLIC AFFAIRS NETWORK, THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC., AND TURNER BROADCASTING SYSTEM, INC.

## I. INTRODUCTION AND SUMMARY

In these reply comments, the National Association of Broadcasters ("NAB")[1/], the Radio-Television News Directors Association ("RTNDA")[2/], the Cable-Satellite Public Affairs Network ("C-SPAN")[3/], the Association for Maximum Service

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[1/] NAB is a nonprofit, incorporated association of radio and television broadcast stations and networks. NAB serves and represents America's radio and television stations and all the major networks.

[2/] RTNDA is the principal professional organization of journalists who gather and disseminate news and other information on radio and television in the United States.

[3/] C-SPAN is the cable television public affairs programming service delivered to over 56 million U.S. households by the National Cable Satellite Corporation, a non-profit corporation. The corporation also operates a companion programming service, C-SPAN 2, which is available to over 26 million U.S. households.

Television, Inc. ("MSTV")[4] and Turner Broadcasting System, Inc. ("Turner")[5] ("Joint Parties") provide their response to many of the comments filed in the above-captioned proceeding.[6] The Joint Parties reaffirm their strong approval of the Commission's decision, in the Notice, not to include the 1.99-2.11 GHz band in the agency's set of proposals for possible reallocation of spectrum to accommodate new telecommunications technologies.[7]

The 1.99-2.11 GHz band is used heavily by broadcasters, news programmers, and cable programmers for mobile electronic news gathering ("ENG") and mobile video capabilities. Use of the 1.99-2.11 GHz band for news and information purposes is part of the essential and

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[4] MSTV is a trade association of approximately 250 local broadcast television stations committed to achieving the highest technical quality feasible for the local broadcast system.

[5] Turner Broadcasting System, Inc. is a diversified entertainment company operating four cable networks (CNN, Headline News, TNT and SportSouth), a broadcast station (TBS SuperStation) and engaged in program syndication and licensing as well as operation of professional sports teams and real estate holdings.

[6] See Notice of Proposed Rule Making ("Notice") in ET Docket No. 92-9, 7 FCC Rcd 1542 (1992). The agency's Order Denying Request to Defer Comments Dates in ET Docket No. 92-9 and RM-7981 (DA 92-694, released June 4, 1992), consistent with Section 1.46 (b) of the Commission's Rules, adjusted the reply comment date to July 8, 1992.

[7] Joint Comments of the National Association of Broadcasters, the Radio-Television News Directors Association, The Cable-Satellite Public Affairs Network, the Association For Maximum Service Television, Inc., and Turner Broadcasting System, Inc. in ET-Docket No. 92-9, submitted June 8, 1992.

relied-upon service these programmers provide the public. Broadcasters and cable programmers maximize spectrum capacity in methods which directly serve the public interest. Other frequencies and transmission carriers are not feasible alternatives for ENG purposes. Most PCN industry leaders respect the important role played by the current use the 1.99-2.11 GHz frequency, and are not requesting its reallocation. The Joint Parties urge the Commission not to modify its decision to exclude the 1.99-2.11 GHz band from the 2 GHz frequencies offered as sites for new technology.

## II. CURRENT AND FUTURE USE OF THE 1.99-2.11 GHZ BAND SERVES AN IMPORTANT PUBLIC INTEREST AND MAXIMIZES THE SPECTRUM'S VALUE.

The public depends on broadcast and other mass media outlets to provide them with up-to-date and accurate information regarding all newsworthy events, including emergency situations and sporting events. The 1.99-2.11 GHz frequencies facilitate ENG and mobile video operations, and therefore allow broadcasters and other video programmers to serve this public demand. The spectrum is used as effectively and efficiently as possible by its competing current users and will in all likelihood be further taxed with the implementation of High Definition Television ("HDTV").

A. ENG Practices Provide Important Information To The Public.

The 1.99-2.11 GHz band, now licensed to broadcasters and cable programmers, is used for ENG mobile video coverage of live news and sports events, fixed retransmittal links, and studio-transmitter links. Use of the 1.99-2.11 GHz band for these purposes is essential to broadcasters and cable companies. This spectrum allows stations and cable programmers quickly and accurately to provide important news stories live to the public.

A primary concern expressed by broadcasters and cable programmers is that any disruption of their ENG practices, either by unavailable spectrum or crowded spectrum, will impede their ability to serve the public. Denying access to 1.99-2.11 GHz would "essentially take the frequency use from all of the public in order to serve special interest technologies."[8/] The public has come to rely on broadcasters' and cable programmers' use of the microwave band to supply immediate coverage of everything from sporting events, such as the Olympics, to national emergencies, such as the San Francisco earthquake and the recent Los Angeles civil unrest.[9/] The current use of

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[8/] Comments of Scripps Howard Broadcasting Company in ET Docket No. 92-9, submitted May 19, 1992, at 2.

[9/] Engineering Statement of Kenneth J. Brown ("Engineering Statement") in Connection with Comments of Capital Cities/ABC, Inc. in ET Docket No. 92-9, submitted June 5, 1992, at 2-3.

1.99-2.11 GHz spectrum constitutes a public service. Disruption of these services would have a "disastrous effect" on the function and operation of broadcast stations and cable operations.[10/] Millions of people may depend on a single video link feeding receivers nationwide.[11/] By continuing to reserve the 2 GHz band for ENG and mobile video functions, the Commission will preserve the ability of stations and cable systems to serve the public.[12/]

### B. Current ENG Demand On The 1.99-2.11 GHz Band Fully Occupies Available Spectrum.

There are only seven ENG channels available in the 2 GHz band, and in many cities there are considerably more than seven ENG operations occurring during news blocks. Therefore, a significant amount of coordination is required to prevent interference among users during prime-time news programs. Motorola, Inc. mentions in its comments that studio-transmitter link ("STL") could be accommodated in higher frequency bands.[13/] Indeed, broadcasters and cable programmers have begun to voluntarily move STLs to higher

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[10/]Comments of CBS, Inc. in ET Docket No. 92-9, submitted June 5, 1992, at 3.

[11/]Engineering Statement in Comments of ABC, Inc. in ET Docket No. 92-9, submitted June 5, 1992, at 3.

[12/]Comments of Westinghouse Broadcasting Company Inc. in ET Docket No. 92-9, submitted June 1, 1992, at 4.

[13/]Comments of Motorola, Inc. in ET Docket No. 92-9, submitted June 8, 1992, at 8.

spectrums in order to better utilize the 1.99-2.11 GHz spectrum for mobile ENG.[14/]

Because most ENG equipment is frequency agile, there exists a very real risk of interference with STLs. Broadcasters and cable programmers, realizing the demand for ENG operations and frequency congestion at 2 GHz, have relocated most of their STLs to the 7 GHz and 13 GHz bands, thereby proving the vital need, on a daily basis, for 2 GHz spectrum for mobile broadcast auxiliary services.

Broadcast ENG operations fully employ the available spectrum. In most markets spectrum users already have "pooling" arrangements in an attempt to alleviate the crowding within the spectrum.[15/] Coordination and cooperation among users is necessary to equitably administer each station's spectrum needs while also achieving maximum frequency utilization. This practice contradicts the assumptions made by some parties that the 2 GHz band is "wasted" by broadcast and cable programmers.

For example, Motorola appears to be under the false assumption that broadcast ENG operations do not fully utilize spectrum because only 6 MHz bandwidths are used.[16/]

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[14/]Comments of Westinghouse Broadcasting Company in ET Docket No. 92-9, submitted June 1, 1992, at 2-3.

[15/]Comments of CBS in ET Docket No. 92-9, submitted June 1, 1992, at 4.

[16/]Comments of Motorola, Inc. in ET Docket No. 92-9, submitted June 8, 1992, at 8.

The reality is that broadcast ENG typically does not operate with 6 MHz vestigial sideband AM transmissions. Nearly all present day ENG is transmitted by frequency modulation with bandwidths approaching the channel maximum of 18 MHz.

Similarly, the Utilities Telecommunications Council ("UTC") suggests that current ENG use of the 2 GHz spectrum is "inefficient" simply because it is not constantly used by all users at all times.[17/] That comment simply reflects UTC's misunderstanding of ENG and related frequency use. The coordination efforts among broadcasters and cable programmers is only possible because different users require spectrum at different times.[18/] Current pooling allows more broadcasters and cable programmers access to the limited ENG spectrum than would be possible under constant use by only a few operators. Because such limited spectrum is used to fulfill the requirements of television and cable news, sports, and entertainment, any interference with the current use of the spectrum "would seriously disrupt the entire American television service."[19/]

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[17/] Comments of Utilities Telecommunication Council in ET Docket No. 92-9, submitted June 5, 1992, at 44.

[18/] Engineering Statement in Comments of ABC in ET Docket No. 92-9, submitted June 5, 1992, at 3.

[19/] Id. at 4.

C. New HDTV Technology Will Promote Further Utilization Of 1.99-2.11 Spectrum.

The 1.99-2.11 spectrum will be critical for video programmers implementing new HDTV technology over the next decade. The lack of definitive spectrum requirements for HDTV as of this date[20/] is a cause for greater, not less, concern for broadcasters.[21/] This concern is especially valid given the Commission's decision not to allocate additional spectrum to broadcasters in order to facilitate HDTV.[22/] Video programmers may well need to utilize the 1.99-2.11 GHz frequencies for HDTV if this new technology imposes greater spectrum requirements. Even though future spectrum sharing techniques may promote more efficient use of the spectrum, the OET Report accurately concludes that the future requirements of broadcast auxiliary services for operating spectrum are not known. Therefore, in order to assure a smooth transition to HDTV services, no further demands should be made on spectrum currently allocated to broadcasters.

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[20/] Creating New Technology Bands for Emerging Telecommunications Technology ("OET Report") at paragraph 3.3.2, FCC Office of Engineering and Technology, January, 1992.

[21/] See Comments of Association of American Railroads in ET Docket No. 92-9, submitted June 8, 1992, at 24 (asserting that the lack of spectrum requirements for ATV should weigh against any preservation of spectrum to broadcasters).

[22/] First Report and Order in MM Docket No. 87-268, 5 FCC Rcd 5627 (1990).

## III. ALTERNATIVE SPECTRUM OR TRANSMIT TECHNOLOGIES ARE NOT FEASIBLE OPTIONS FOR CURRENT MOBILE MICROWAVE ENG PURPOSES.

Relocating ENG and mobile video operations to other bands or to alternative transmittal methods is not practical. The 1.99-2.11 GHz spectrum sustains requirements of mobile microwave broadcasting that cannot be supported at higher frequencies. Satellite relay is not a viable alternative for mobile operations. Furthermore, while there may be a bright future in spectrum sharing techniques, it is by no means clear whether any such techniques are yet feasible. Also, proposed spectrum sharing techniques are not tailored for the unique needs of mobile ENG operations. Any such techniques should be tested before applied at this point to broadcasters and cable programmers.

### A. Mobile ENG Requires Low Frequency Spectrum.

Most fixed links within the 1.99-2.11 GHz band have already been relocated to higher spectrum in order to free spectrum for mobile uses.[23/] However, it is not possible to relocate mobile microwave transmitters to another band where sharing with fixed links would be required.[24/] The 7 GHz and 13 GHz bands, containing primarily fixed links, are already too crowded in most markets to add mobile ENG

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[23/] See Comments of Westinghouse Broadcasting Inc., supra note 14.

[24/] Comments of The Society of Broadcast Engineers, Inc. in ET Docket No. 92-9, submitted June 5, 1992, at 2.

operations. Also, the large directive antennas commonly used by fixed links are not practical for mobile use.[25/]

Reallocation of ENG operations is not feasible from a physical standpoint either. As discussed the Joint Parties' Comments,[26/] the laws of physics militate against reallocation. Characteristics of the 2 GHz band necessary for mobile ENG operations are not present in higher frequencies. A reallocation to higher frequencies would effectively eliminate ENG activities because it is simply not possible to utilize higher bands and achieve the same effect.

B. Satellite Transmissions Are Not An Alternative To Broadcast ENG Operations.

Satellite transmissions, contrary to the views of some commenting parties, are not employed by broadcasters as "an alternative to terrestrial ENG links."[27/] This fallacy is addressed in the comments of Capital Cities/ABC, as follows:

> It should be noted that Satellite News Gathering (SNG), though a worthwhile technique in itself, is not a valid replacement for the BAS 2 GHz microwave spectrum, for

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[25/] Id.

[26/] Comments of the Joint Parties in ET Docket No. 92-9, submitted June 8, 1992, at 9.

[27/] Comments of Motorola, Inc. in ET Docket No. 92-9, submitted June 8, 1992, at 8; see also Comments of Utilities Telecommunications Council in ET Docket No. 92-9, submitted June 5, 1992, at 43 (proposing that satellite is an alternative medium for ENG requirements).

> at least five reasons. First, satellite video feeds cannot be accomplished with extremely small, portable, nearly non-directional antennas needed for truly portable in-motion operation. Aim at the satellite cannot be maintained and the available signal power is usually a small fraction of that needed to reach a geosynchronous satellite. Secondly, even in traditional ENG operations, such as van-based operations where the truck is parked before operation, the size of earth station antenna required to comply with 2 degree spacing simply cannot be used in many locations, as it requires entirely too large a vehicle. Thirdly, many news locations, especially in urban areas, are blocked from direct view of the satellite. Fourthly, there is entirely too much reuse of BAS 2 GHz frequencies from market to market to permit the spectrum allocated for SNG operations to handle the traffic load. Fifthly, even if it were technically possible to use SNG to replace traditional ENG, the cost of the ground equipment and the satellite time would be prohibitive.[28/]

C. Spectrum Sharing Techniques, As Currently Defined, Are Not Applicable To ENG Operations.

In its comments to the Notice of Inquiry, Communications Satellite Corporation ("COMSAT") proposes a concept of spectrum sharing among Mobile Satellite Service ("MSS") and ENG operations. COMSAT presents an interference scenario based upon the "best available data" it could obtain from the manufacturers of ENG equipment.[29/] Based upon this data, COMSAT concludes that MSS and ENG spectrum sharing is feasible. COMSAT's incomplete data and incorrect assumptions about ENG, however, render its spectrum sharing

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[28/] Engineering Statement in Comments of ABC in ET Docket No. 92-9, submitted June 5, 1992, at 4.

[29/] Comments of Communications Satellite Corporation ("COMSAT") in ET Docket No. 92-9, submitted June 5, 1992, Appendix A at 2.

scenario useless.

COMSAT relies heavily on antenna manufacturers, rather than ENG users, for its data. Actual ENG operators, such as local stations, networks, and cable systems, are the best source of data regarding routine ENG system operation. COMSAT did not take into account that electronic field production crews routinely relay their material to studio facilities from various locations and rely on numerous techniques and tricks of the trade to provide the highest quality video feeds. Various antennas and power levels are employed, signals are bounced off reflecting objects, and signals are relayed by helicopters or fixed stations atop buildings. In order to gather accurate and objective data for use within any sort of spectrum sharing study, COMSAT should have contacted actual users and operators of ENG equipment.

COMSAT attempts to construct a standard ENG "model" in order to study typical operating conditions. Unfortunately, there is no way to accurately construct an ENG model because ENG operations utilize varying path lengths, power levels, antenna gains, and relay methods.

For example, COMSAT incorrectly assumes an ENG path length of 50 kilometers.[30/] A 50 kilometer path length does not hold true in most cases. In practice, ENG usage can occur anywhere, at any time, depending upon the nature of

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[30/] Id. at 3, n. 3.

the news event being covered. Typical path lengths will vary from less than one kilometer to more than 80 kilometers.

COMSAT also does not take into consideration the fact that, within urban environments, ENG operators must resort to bouncing their signals off reflecting structures in order to establish reliable signals at the ENG receive site. Reflected signals can lower the carrier-to-interference ratio ("C/I"), as can foliage -- both significant factors not considered in the COMSAT interference model.

COMSAT also incorrectly assumes that a 12-watt transmit power level is used by ENG operations.[31/] In practice, ENG operations often use power levels less than 12 watts in order to avoid objectionable reflections from buildings. This places a signal at the receive site with a lesser C/I level than is proposed in the COMSAT scenario.

ENG operations use a variety of antennas, including both low and high gain models. This practice contradicts COMSAT's assumption that a "standard" antenna is used by ENG operations.[32/] Low gain antennas with correspondingly low power levels will produce lower C/I levels at the ENG receive site than are presented in the COMSAT interference scenario.

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[31/] Id. at 6.

[32/] Id. at p.3, n.3.

COMSAT also identifies situations where Mobile Earth Station ("MES") power levels being transmitted toward ENG receive sites may exceed nominal values. COMSAT assumes a Standard M terminal EIRP of 19 dBW. Yet even COMSAT recognizes that this assumption is inaccurate, as they stated: "EIRPs as high as 25 dBW are occasionally used with Standard Ms in certain situations."[33/]

COMSAT, in its interference scenario, does not understand that many ENG operations use multiple receive sites equipped with remote steerable antennas. In many instances it is likely that an ENG antenna could be aimed directly in line with an MES, making ENG reception impossible.

ENG operations routinely transmit and receive their signals at a variety of azimuth and elevation angles. Airborne ENG relay systems, such as those located in helicopters, would be extremely susceptible to interference from MESs. COMSAT did not take into consideration 2 GHz airborne or building-top ENG relay systems. Capital Cities/ABC commented that television coverage of cross-country races and events such as the New York City Marathon require "microwave-equipped motorbikes with signals relayed by helicopters."[34/] Various antenna systems and 2 GHz

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[33/] Id. at 4, n. 4.

[34/] Engineering Statement in Comments of ABC in Docket No. 92-9, submitted June 5, 1992, at 3.

transmit power levels are used, depending upon the location of the event being televised, in order to combat path losses and destructive reflections.

The above assumptions made by COMSAT to justify the creation of an ENG model simply do not reflect day-to-day ENG operations. A real-world interference model is impossible to develop due to many transmission and reception variables. And COMSAT, in its comments, indirectly confirms this fact.[35/]

## IV. LEADERS IN THE PCN INDUSTRY RESPECT BROADCASTERS' USE OF THE 1.99-2.11 GHz BAND AND ARE NOT REQUESTING REALLOCATION.

The Joint Parties noted in their Comments that the vast majority of PCS proponents did not suggest, when submitting comments for the Commission's en banc PCS hearing and in Gen. Docket No. 09-314, that ENG frequencies be reallocated.[36/] A majority of comments submitted in this proceeding by leaders in the PCN industry reflect this continuing sentiment.[37/] Although some parties do address

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[35/]Comments of COMSAT in ET Docket No. 92-9, submitted June 5, 1992, Appendix A at 4, n.4.

[36/]Comments of the Joint Parties in ET Docket No. 92-9, submitted June 8, 1992, at 10.

[37/]See generally, Comments of American Personal Communications in ET Docket No. 92-9, submitted June 4, 1992; Comments of GTE Service Corporation in ET Docket No. 92-9, submitted June 5, 1992; Comments of National Telecommunications and Information Administration in ET Docket No. 92-9, submitted June 8, 1992; Comments of Personal Communications Network Services of New York, Inc.

(continued...)

the 1.99-2.11 GHz spectrum as a possible area of allocation to PCN, these entities appear to be concerned primarily with either acquiring as much spectrum as possible for their yet undisclosed new technologies, or diverting the Commission's attention away from their own spectrum in hopes having the 1.99-2.11 GHz band reallocated instead.[38/]

The Joint Parties join many of the commenting parties in urging that federal government spectrum be allocated as a reservoir of frequencies for new technologies or as a site for relocation of other current 2 GHz users.[39/] The Joint Parties support the allocation of

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[37/](...continued)
in ET Docket No. 92-9, submitted June 8, 1992; Comments of Pacific Telesis in ET Docket No. 92-9, submitted June 5, 1992; Comments of Telocator in ET Docket No. 92-9, submitted June 8, 1992; Comments of United States Telephone Association in ET Docket No. 92-9, submitted June 5, 1992 (the above cited parties' comments do not suggest that any reallocation or spectrum sharing be instituted within the 1.99-2.11 GHz band).

[38/]See generally, Comments of The Association of American Railroads in ET Docket No. 92-9, submitted June 8, 1992, at 23; Comments of The American Petroleum Institute in ET Docket No. 92-9, submitted June 8, 1992, at 11-12; Comments of the American Public Power Association in ET Docket No. 92-9, submitted June 8, 1992, at 14; Comments of Motorola, Inc. in ET Docket No. 92-9, submitted June 8, 1992, at 8-9.

[39/]See Comments of the Association of American Railroads in ET Docket No. 92-9, submitted June 8, 1992, at 16; Comments of the American Public Power Association in ET Docket No. 92-9, submitted June 8, 1992, at 21-22; Comments of GTE Service Corporation in ET Docket No. 92-9, submitted June 5, 1992, at 10-11; Comments of Motorola Inc. in ET Docket No. 92-9, submitted June 8, 1992, at 8; Comments of Pacific Telesis in ET Docket No. 92-9, submitted June 5, 1992, at 4; Comments of Telocator in ET Docket No. 92-9,
(continued...)

government spectrum to emerging technologies, and believe that the goals set forth in this proceeding exemplify the valuable uses to which the federal government spectrum could be put.

The Joint Parties also wish to reiterate their objection to any proposed suspension or deferment on the instant rulemaking. Several parties have filed petitions to suspend the current proceeding and institute further rulemaking proceedings.[40] The Joint Parties believe that a delay of the current proceeding would be unnecessary and disruptive. The Joint Parties support the view of Wayne N. Schelle, Chairman of American Personal Communications and Chairman of Telocator, who stated that:

> [The FCC] should be permitted to continue its effort to weigh the legitimate needs of incumbent microwave users and new technologies in its pending docket. Any legislative intervention at this early juncture would be unnecessary and unwise, particularly since the FCC is so clearly sensitive to the needs of microwave incumbents and

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[39] (...continued)
submitted June 8, 1992, at 9-10; Comments of UTC in ET Docket No. 92-9, submitted June 5, 1992, at 63-68 (the cited parties urge the use of federal government spectrum for emerging technologies and as a reallocation site).

[40] See "Petition for Issuance of Further Notice of Proposed Rule Making" filed by UTC, RM No. 7981 (May 1, 1992); "Petition for Rule Making" filed by Alcatel Network Systems, Inc., RM No. 8004 (June 2, 1992); "Petition to Suspend Proceeding" jointly filed by the Association of American Railroads, Large Public Power Council, and the American Petroleum Institution (April 10, 1992).

> since PCS can be implemented without any harm to existing users even in those very limited cases where relocation will be necessary.[41]

While the Joint Parties have no objection to the development of a clear plan for reallocation, the Joint Parties do object to any revisitation by the Commission in this proceeding or elsewhere to its decision that the 1.99-2.11 Ghz band employed for ENG activities not be targeted for reallocation.

## V. CONCLUSION

The Joint Parties commend the Commissions decision, in the Notice, not to include the 1.99-2.11 GHz band among the frequencies designated for possible reallocation or spectrum sharing in order to accommodate new telecommunications technologies. The Joint Parties respectfully request, for the reasons stated herein, that the Commission maintain its current exclusion of the 1.99-2.11 GHz spectrum, which is currently used for mobile

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[41] Testimony of Wayne N. Schelle, Chairman, American Personal Communications, Senate Communications Subcommittee, June 3, 1992.

ENG and video production activity, from those frequencies proposed to be reallocated to accommodate new technologies.

Respectfully submitted,

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July 8, 1992

## CERTIFICATE OF SERVICE

I, Judith L. Gerber, do hereby certify that a true and correct copy of the foregoing "JOINT REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS, RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION, THE CABLE-SATELLITE PUBLIC AFFAIRS NETWORK, THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC. AND TURNER BROADCASTING SYSTEM, INC." in ET Docket No. 92-9 was sent, via first class mail, on this date, July 8, 1992, to the following:

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